

SAFE DRINKING WATER ACT (SDWA)

R6-9-33-B. Administrative Penalty Under Part B: Agency
Representation in the Hearings, Negotiating
and Signing of Consent Agreements and Appeals

1. AUTHORITY.

a. To represent EPA in civil penalty adjudications conducted under the penalty section of Part B of the Safe Drinking Water Act (SDWA) and 5 U.S.C. Section 554;

b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions;

c. To sign consent agreements;

d. To initiate appeals from administrative determinations; and

e. To represent the Agency in such appeals.

2. TO WHOM DELEGATED. The Director, Compliance Assurance and Enforcement Division.

3. LIMITATIONS.

a. These authorities may only be exercised after the alleged violator either files an answer or fails to file a timely answer.

b. The delegatee may exercise the above authorities for those cases which were initiated by the Region.

c. The delegatee must obtain concurrence from the Assistant Administrator for Enforcement and Compliance Monitoring and Regional Counsel or their designers before initiating an appeal.

d. The delegatee shall consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee any time they do not recommend an appeal of an adverse decision.

4. REDELEGATION AUTHORITIES. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. Section 1414(g)(1) and (3) and Section 1445 of the SDWA.

b. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.

Delegation of Authority from the
Regional Administrator